

REMARKS/ARGUMENTS:

Claims 1-31 are pending and stand rejected.

By this Amendment, claims 1, 19-21, 23, 24, 26, 27, 30 and 31 are amended and claims 32-37 are added.

Applicant contends that no new matter has been added by the claim amendments and newly added claims, and, accordingly, entry and approval of same is respectfully requested. Support for the claim amendments and newly added claims is found throughout the specification, and, more particularly, in the specification at page 58, line 27 to page 59, line 18, at page 70, line 27 to page 71, line 18, at page 102, line 7 to page 106, line 11, in Figure 15A and in the original claims.

Interview Summary

On April 8, 2005, applicant's attorney conducted an Examiner interview with the Examiner, Ronnie Mancho, to review various claim rejections in the Office Action mailed November 17, 2004. Although a consensus on allowable subject matter was not achieved, applicant appreciates the courtesies extended by the Examiner in the Interview.

Claim Rejections under 35 U.S.C. §102(e)

In section two of the Office Action, claims 1-31 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,408,232 to Cannon et al. (hereinafter referred to as Cannon).

Reconsideration is respectfully requested.

Independent Claims 1, 19, 20, 23, 26, 30, and 31

Applicant's invention, as recited by claim 1, includes the following features (at least one of which is neither discloser nor suggested by Cannon):

an in-vehicle device interconnected with the vehicle to collect the vehicle data and to communicate selections by the user;

an analysis device to analyze the collected vehicle data from the in-vehicle device and to provide the at least one of vehicle service recommendations or vehicle replacement part recommendations for the vehicle according to the collected vehicle data to the in-vehicle device for selection by the user;
and

a communication interface device that data communicates with said in-vehicle device and with the analysis device;

wherein said in-vehicle device communicates with said analysis device via said communication interface device.

This means that the in-vehicle device collects vehicle data that is communicated to an analysis device for analysis to determine vehicle service recommendations or vehicle replacement part recommendations. The determined recommendations are then communicated back to the in-vehicle device for selection by a user. The in-vehicle device further communicates recommendation selections made by the user. Support for selection of recommendations is found throughout the application as originally filed and, specifically, at page 104, lines 12-24 and in blocks 1408 and 1420 of Figure 15A.

Cannon is directed to a wireless piconet that allows access to vehicle operational statistics. In Cannon, vehicle operational statistics are tracked and maintained in a centralized vehicle computer database. The vehicle data can be transmitted to a user's computer or a vehicle service center for maintenance suggestions and diagnosis. Cannon, however, is silent with regard to at least the features recited in claim 1 of "an in-vehicle device ... to communicate selections by the user" and "an analysis device to provide [the] at least one of vehicle service recommendations or vehicle replacement part recommendations...to the in-vehicle device for selection by the user." This enables a user to select recommendations determined by the analysis device via the in-vehicle device. Cannon is entirely devoid of such a feature. Therefore, Cannon does not disclose, teach, or suggest each and every element of amended claim 1. Accordingly, applicant contends that claim 1, as amended, is allowable over Cannon and respectfully requests that the rejection of claim 1 be withdrawn.

Independent claims 19, 20, 23, 26, 30, and 31, while not identical to claim 1, each include similar features to the above-mentioned feature of claim 1. Namely, each of these claims include limitations directed to systems and methods that enable a user to select, at a vehicle, recommendations made remote to the vehicle, or to the communication of such recommendations and selections. Accordingly, applicant contends that claims 19, 20, 23, 26, 30, and 31, as amended, are also allowable over Cannon for at least similar reasons to that of claim 1 and respectfully requests that the rejections of these claims be withdrawn.

Dependent claims 2-18, 21-22, 24-25, and 27-29

Dependent claims 2-18, 21-22, 24-25, and 27-29 each include all of the features of the respective independent claims from which they ultimately depend. Thus, applicant contends that claims 2-18, 21-22, 24-25 and 27-29 are also allowable for at least the reasons set forth above.

In addition, claims 21, 24, and 27 each include a step of "effectuating an e-commerce or an e-business transaction to place an order for the selection for said vehicle service recommendations or vehicle replacement part recommendations." The Examiner indicates that these features are inherently disclosed in Cannon, but provides no further explanation.

"To establish inherency, the extrinsic evidence 'must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill.'" *In re Robertson*, 169 F.3d 743,745, 49 USPQ2d 1949, 1950-51 (Fed. Cir. 1999) (citations omitted). Applicant expressly defined e-commerce as "electronic buying and selling of goods and services typically conducted over a global network," and e-business as "electronic transacting of business over a global network." See application as filed at page 12, lines 17-19. A careful reading of Cannon reveals that Cannon is devoid of any disclosure relating to buying or selling goods and services or transacting business, let alone conducting such activities over a global network. Since Cannon is devoid of such features, applicant contends that Cannon fails to make clear that "effectuating an e-commerce or an e-business transaction to place an order for the selection for said vehicle service recommendations or vehicle replacement part recommendations" is necessarily present in Cannon. Thus, applicant respectfully disagrees

that Cannon inherently discloses such features and requests that the portions of Cannon believed to inherently disclose them be pointed out with specificity if the rejection is maintained. Accordingly, applicant requests that the rejection of claims 21, 24, and 27 be withdrawn for at least this additional reason.

New Claims 32-37

Dependent claims 32-37 each include all the features of the respective independent claims from which they depend. Thus, applicant contends that claims 32-37 are allowable for at least the reasons set forth above that the independent claim from which they depend is allowable.

Conclusion

In view of the amendments and remarks set forth above, applicant respectfully submits that claims 1-37 are in condition for allowance and early notification to that effect is earnestly solicited.

Respectfully submitted,

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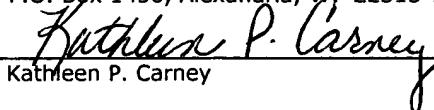
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